

ADMINISTRATIVE VARIANCE REPORT & DECISION

A. SUMMARY AND PURPOSE OF REQUEST

REPORT DATE:	September 7, 2011		
Project Name:	Norton Residence Setback Variance		
Owner:	Dan & Jackie Norton 3415 Burnett Avenue N Renton, WA 98056		
Applicant:	Daniel Stettler Stettler Design 3346 NE Blakeley Seattle, WA 98105		
File Number:	LUA11-062, V-A		
Project Manager:	Gerald Wasser, Associate Planner		
Project Summary:	The applicant is requesting approval of an Administrative Variance from RMC 4-2-110A regulating rear yard setbacks for primary and attached accessory structures and 4-2-110D.4.c regulating the height of uncovered decks and steps in the Residential - 8 dwelling units per acre (R-8) zone. The applicant is proposing to construct two uncovered wooden decks and connecting steps with a total area of 459 square feet (275 square feet and 184 square feet) in association with a single-family house (currently under construction) on a 3,537 square foot lot. The variance would be to allow steps and decks which would be up to 48 inches in height within the rear yard setback where steps and decks may be no greater than 18 inches in height.		
Project Location:	3415 Burnett Avenue N		
Exist. Bldg. Area SF:	2,526 sf	Proposed New Bldg. Area (footprint):	459 sf
		Proposed New Bldg. Area (gross):	
Site Area:	3,537 sf	Total Building Area GSF:	2,985 sf



Project Location Map

B. PROJECT DESCRIPTION/BACKGROUND:

The property located at 3415 Burnett Avenue North (APN 3342100010) is currently being developed with a single-family residence on the 3,537 square foot parcel in the Residential – 8 dwelling unit per acre zone (Exhibits 1 and 2). The house under construction is of contemporary design (Exhibit 6). Because specific design standards for garages, façade modulation, roofs, and architectural detailing were not met, the applicant applied for modifications from these standards. It was determined that the requested modifications satisfied the intent of the guidelines of the Residential Design and Open Space Standards (RMC 4-2-115) and, therefore, the modifications were approved on February 8, 2011 (LUA11-003, MOD). Subsequent to the approval of the residential design standard modifications, the applicant received a building permit (CP10191) authorizing construction of the single-family residence.

At the time of approval of the residential design standards modifications and the building permit approval, the applicant anticipated the construction of two uncovered decks with connecting steps within the required 20-foot rear yard setback of the property. The decks would encroach up to 16 feet into the rear yard setback. Uncovered decks and steps not exceeding 18 inches in height are allowed within the rear yard setback. However, the proposed decks are both approximately 48 inches in height and require an Administrative Variance from the provisions of RMC 4-2-110A and RMC 4-2-110D.4.c.

C. EXHIBITS:

The following exhibits were entered into the record:

- Exhibit 1: Aerial Photo
- Exhibit 2: Zoning Map (Sheet C3, E ½)
- Exhibit 3: Site Plan (Sheet A1.1, received July 26, 2011)
- Exhibit 4: West Elevation (Sheet A3.1, received July 26, 2011)
- Exhibit 5: Project Rendering (Sheet A0, received July 26, 2011)

D. FINDINGS:

Having reviewed the written record in the matter, the City now makes and enters the following:

1. Request:

- a) The subject site is located at 3415 Burnett Avenue North.
- b) The contemporary-style house is currently under construction and conforms to setback requirements in the R-8 zone.
- c) The single-family house received approval of residential design standards modifications for the garage, façade modulation, roof, and architectural detailing (LUA11-003, MOD) and an approved building permit (CP10191).
- d) The applicant has requested approval of an administrative variance from RMC 4-2-110A and RMC4-2-110D.4.c for two uncovered decks with connecting steps which would be approximately 48-inches in height and encroach into the rear yard setback up to 16 feet. (Exhibit 3). RMC 4-2-110A specifies that the rear yard setback in the R-8 zone is 20 feet. RMC 4-2-110D.4.c specifies that uncovered steps and decks within rear yard setbacks may not exceed 18 inches in height.

2. Administrative Variance: The applicant's administrative variance submittal materials comply with the requirements necessary to process a variance request. The applicant's site plan and other drawings are provided as Exhibits 1 through 6.

3. Existing Land Use: North – Parking lot and single-family residences (R-8 zoning);
South – Single-family residences (R-8 zoning);
East – Single-family residences (R-8 zoning); and
West – Lake Washington Boulevard North, single-family residences (R-8 zoning), Kennydale Beach Park, and Lake Washington.

4. Zoning: The subject property is zoned Residential – 8 dwelling units per acre (R-8).

5. Topography: The property slopes downward from Burnett Avenue North on the east to Lake Washington Boulevard North on the west.

6. Lots and Building Size: The total area of the lot is 3,537 square feet. The area of the two proposed decks would be 459 square feet (one at 275 square feet and the other at 184 square feet).

E. CONSISTENCY WITH VARIANCE CRITERIA:

Section 4-9-250B.5.a. lists 4 criteria that the Planning Director is asked to consider, along with all other relevant information, in making a decision on an Administrative Variance application. These include the following:

The Planning Director shall have authority to grant an administrative variance upon making a determination, in writing, that the conditions specified below have been found to exist:

- a. That the applicant suffers undue hardship and the variance is necessary because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings of the subject property, and the strict application of the Zoning Code is found to deprive subject property owner of rights and privileges enjoyed by other property owners in the vicinity and under identical zone classification:**

The applicant contends that special circumstances apply to the subject site as a result of its small size (3,537 square feet) and the fact that most of the property slopes downward from east to west toward Lake Washington Boulevard North. The single-family residence which is currently under construction was designed with the constraints of small lot size and slope as key factors.

Staff concurs with the applicant that special circumstances apply to the subject property in that it is small in size and is relatively steeply sloped (up to 40 percent). In order to accommodate the slope of the site and to provide for outdoor yard area, the construction of the two proposed decks and connecting steps would be higher than 18 inches. While the decks and steps would be higher than the 18 inches allowed, because of the sloping nature of the site, the decks would appear as integral parts of the house (Exhibit 5). Similar proposals with similar physical constraints on other identically zoned properties in the vicinity would likely be granted.

- b. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated:**

The applicant contends that the proposed decks would not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is situated. The west side of the house under construction is 20 feet from the rear property line and complies with the rear yard setback requirement of the R-8 zone. Uncovered steps and decks not exceeding 18 inches in height are permitted within rear yard setback areas. The proposed decks would be as high as 48 inches and would, therefore, not be in conformance with the rear yard setback requirement. At the closest point the decks would be approximately 4 feet from the rear property line.

Other decks associated with single-family houses are located in the immediate vicinity of the proposal. Most notable is a deck on the west side of the residence immediately to the south (3407 Burnett Avenue North) which is situated to take advantage of the views of Lake Washington.

Staff review of the aerial photo of the surrounding neighborhood (Exhibit 1), the project rendering (Exhibit 5), and a site visit indicate that the proposed decks in the rear yard of the subject site will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone. The downward slope of the site from east to west would place the proposed decks below the height of a deck on the abutting property to the south (3407 Burnett Avenue North). The proposed location of these decks would offer the applicant views to the west toward Lake Washington and would not affect the similar views from abutting and adjacent properties. Views of the underside of the decks from the west would be minimized by landscaping and they would also appear to be integrated into the contemporary design of the house which is stepped into the slope of the property.

- c. **That approval shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is situated:**

The applicant contends that the proposed decks would not constitute a grant of special privilege because other decks associated with single-family houses exist in the vicinity. Such decks on the west sides of abutting and adjacent houses take advantage of the views toward Lake Washington.

Because other houses in the vicinity of the subject property have west-facing decks and because the proposed decks will not disrupt any views to the west, staff believes that approval of the variance would not constitute a grant of special privilege.

- d. **That the approval as determined by the Planning Director is a minimum variance that will accomplish the desired purpose:**

The applicant contends that the request for two decks and connecting steps, which would have a maximum height of 48 inches and would encroach into the rear yard setback up to 16 feet, would be the minimum variance needed to accomplish the goal of providing outdoor space integral to the design of the house under construction.

Staff agrees with the applicant and supports the variance for deck height greater than 18 inches within the rear yard setback. The requested variance would accomplish the applicant's goal of constructing two decks within the rear yard setback in order to provide a minimum amount of outdoor space which is integral to the house under construction and provide views to the west (Exhibit 4). The rear yard for a typical lot in the R-8 zone would be 1,000 square feet (based on a minimum lot width of 50 feet and a rear yard setback of 20 feet). The proposed decks would be a total of 459 square feet which is less than 50 percent of a standard rear yard in the R-8 zone. Therefore, the requested variance is the minimum that will provide a usable rear yard on a small sloped lot through the use of decks.

F. CONCLUSIONS:

1. **Zoning:** The proposal would meet the development standards of the R-8 Zone with the exception of the uncovered decks and step height within the rear yard setback.
2. **Administrative Variance:** The applicant's proposal for two decks with height greater than 18 inches in the rear yard setback meets the four criteria specified in RMC 4-9-250B.5: (a) The applicant suffers an undue hardship and the variance is necessary because of special circumstances that apply to the property; (b) The granting of the variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the surrounding area; (c) The approval is not a grant of special privilege; and, (d) The approval of the variance is the minimum to accomplish the desired purpose.
3. **Existing Surrounding Land Uses:** The proposal will not result in changes to existing land uses which are single-family homes, a parking lot, and a public beach park. Other houses in the surrounding area have west-facing decks.
4. **Topography:** The project contains steep slopes which are up to 40 percent; however, no extensive grading is proposed. The decks would be self-supporting on pin piles and grade beams.

5. **Building Proposal:** The proposal would result in the construction of two decks which would be a maximum of 48 inches in height within the rear yard setback and would be compatible with other similarly developed property in the surrounding neighborhood. The decks would be integral to the single-family house which would provide outdoor space and west-facing views.
6. **Recommendation:** Staff recommends approval of the requested variance from RMC 4-2-110A and RMC 4-2-110D.4.c to allow two decks which would be a maximum of 48 inches in height within the 20-foot rear yard setback.

G. DECISION:

The Administrative Variance for the Norton Residence Setback Variance, File No. LUA11-062, V-A, is **approved**.

DATE OF DECISION ON LAND USE ACTION:

SIGNATURE:



C.E. "Chip" Vincent, Planning Director
Planning Division

9/7/11
Date

TRANSMITTED this 7th day of September, 2011 to the Owner and Applicant:

Dan & Jackie Norton
3415 Burnett Avenue N
Renton, WA 98056

Daniel Stettler
Stettler Design
3346 NE Blakeley
Seattle, WA 98105

TRANSMITTED this 7th day of September, 2011 the Party(ies) of Record:

None

TRANSMITTED this 7th day of September to the following:

Neil Watts, Development Services Director
Larry Meckling, Building Official
Kayren Kittrick, Development Services
Fire Marshal
Jennifer Henning, Current Planning
Renton Reporter

H. LAND USE ACTION APPEALS, REQUEST FOR RECONSIDERATION, & EXPIRATION

The administrative land use decision will become final if the decision is not appealed within 14 days of the effective date of decision.

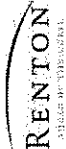
APPEAL: This administrative land use decision will become final if not appealed in writing to the Hearing Examiner on or before 5:00 PM on September 21, 2011. An appeal of the decision must be filed within the 14-day appeal period (RCW 43.21.C.075(3); WAC 197-11-680). Appeals to the Examiner are governed by City of Renton Municipal Code Section 4-8-110. Additional information

regarding the appeal process may be obtained from the Renton City Clerk's office, Renton City Hall – 7th Floor, (425) 430-6510. Appeals must be filed in writing, together with the required fee to the Hearing Examiner, City of Renton, 1055 South Grady Way, Renton, WA 98057.

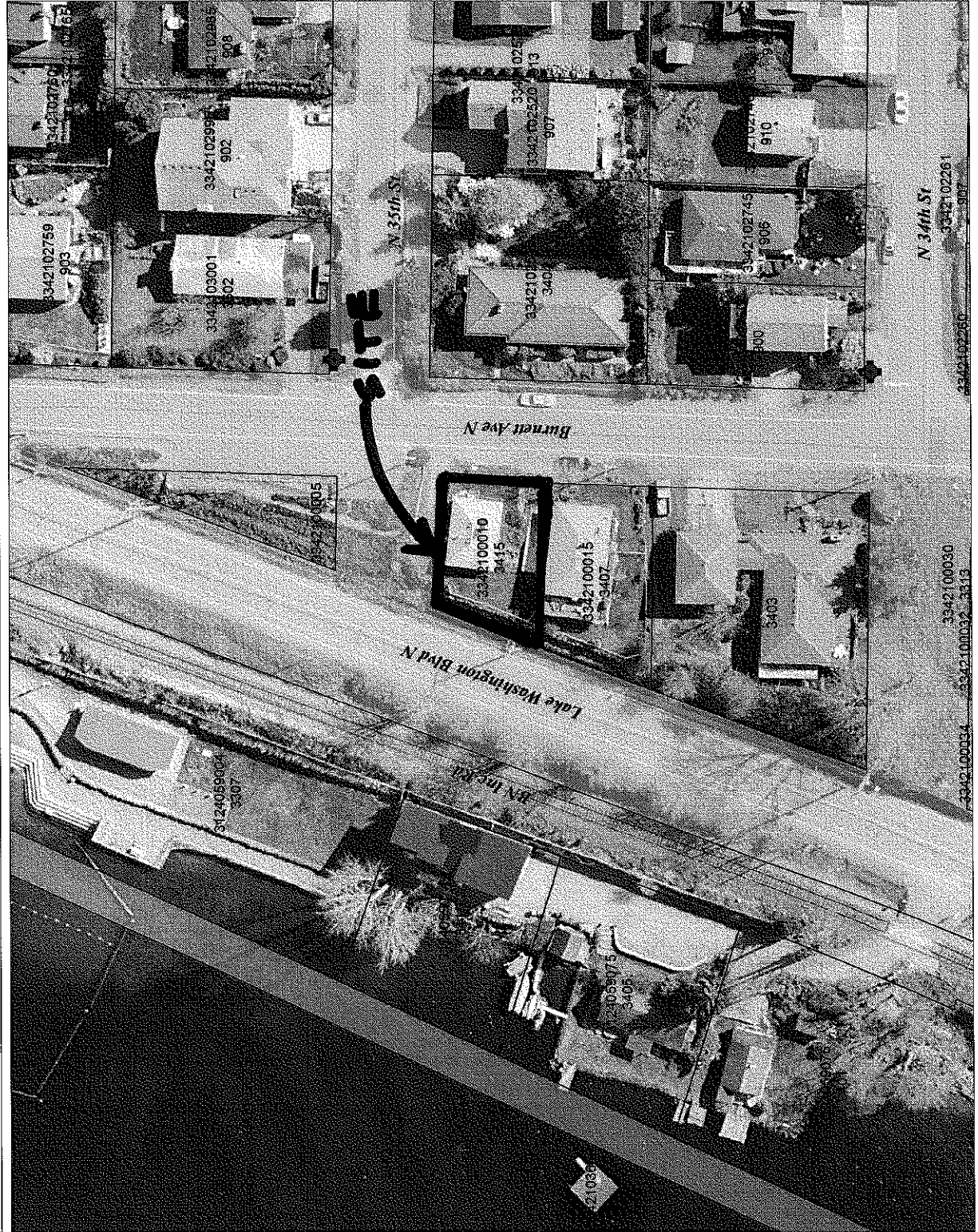
RECONSIDERATION: Within 14 days of the effective date of decision, any party may request that the decision be reopened by the approval body. The approval body may modify his decision if material evidence not readily discoverable prior to the original decision is found or if he finds there was misrepresentation of fact. After review of the reconsideration request, if the approval body finds sufficient evidence to amend the original decision, there will be no further extension of the appeal period. Any person wishing to take further action must file a formal appeal within the 14-day appeal time frame.

EXPIRATION: The variance(s) approval will expire two (2) years from the date of decision. A variance one (1) year extension may be requested pursuant to RMC 4-9-250B.17.

THE APPEARANCE OF FAIRNESS DOCTRINE: provides that no ex parte (private one-on-one) communications may occur concerning the land use decision. The Doctrine applies not only to the initial decision, but to Appeals to the Hearing Examiner as well. All communications after the decision/approval date must be made in writing through the Hearing Examiner. All communications are public record and this permits all interested parties to know the contents of the communication and would allow them to openly rebut the evidence in writing. Any violation of this doctrine could result in the invalidation of the appeal by the Court.



Norton Residence Setback Variance LUA11-062, V-A



Legend

- Lakes and Rivers
- Parcels
- Renton Fire Hydrant
- Other System Fire Hydrant
- Street Names
- Rights of Way
- Streets
- Roads
- Jurisdictions
 - Bellevue
 - Des Moines
 - Issaquah
 - Kent
 - King County
 - Mercer Island
 - Newcastle
 - RENTON
 - Salt Lake
 - Seattle
 - Tukwila
- Aerial (March 2010)
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

EXHIBIT 1

1:873
@ 8.5" x 11"

Notes
Enter Map Description

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

145.4 0 72.71 145.4 Feet

City of Renton, Washington

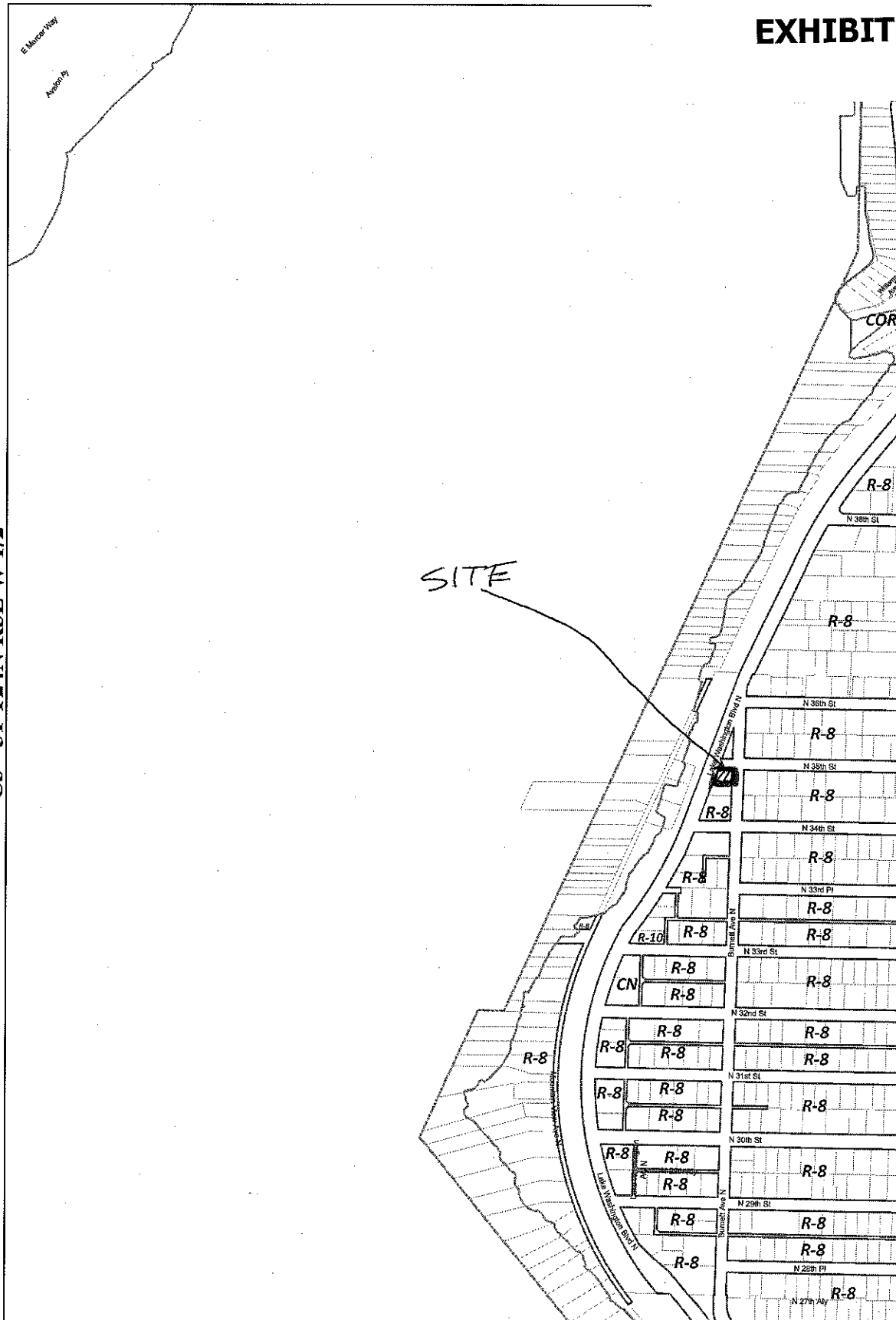
B3 - 30 T23N R5E E 1/2

EXHIBIT 2

C3 - 31 T24N R5E W 1/2

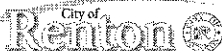
C4 - 32 T24N R5E W 1/2

SITE

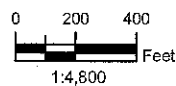
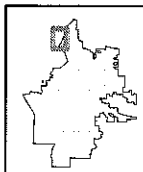


ZONING MAP BOOK
PW TECHNICAL SERVICES
PRINTED ON 11/13/09

This document is a graphic representation, not
guaranteed to survey accuracy, and is based on
the best information available as of the date shown.
This map is intended for City display purposes only.



D3 - 06 T23N R5E E 1/2



C3

31 T24N R5E E 1/2

Norton Residence

City of Renton
Planning Division

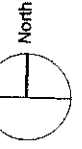
7. July 2011

JUL 26 2011

1/16" = 1'-0"

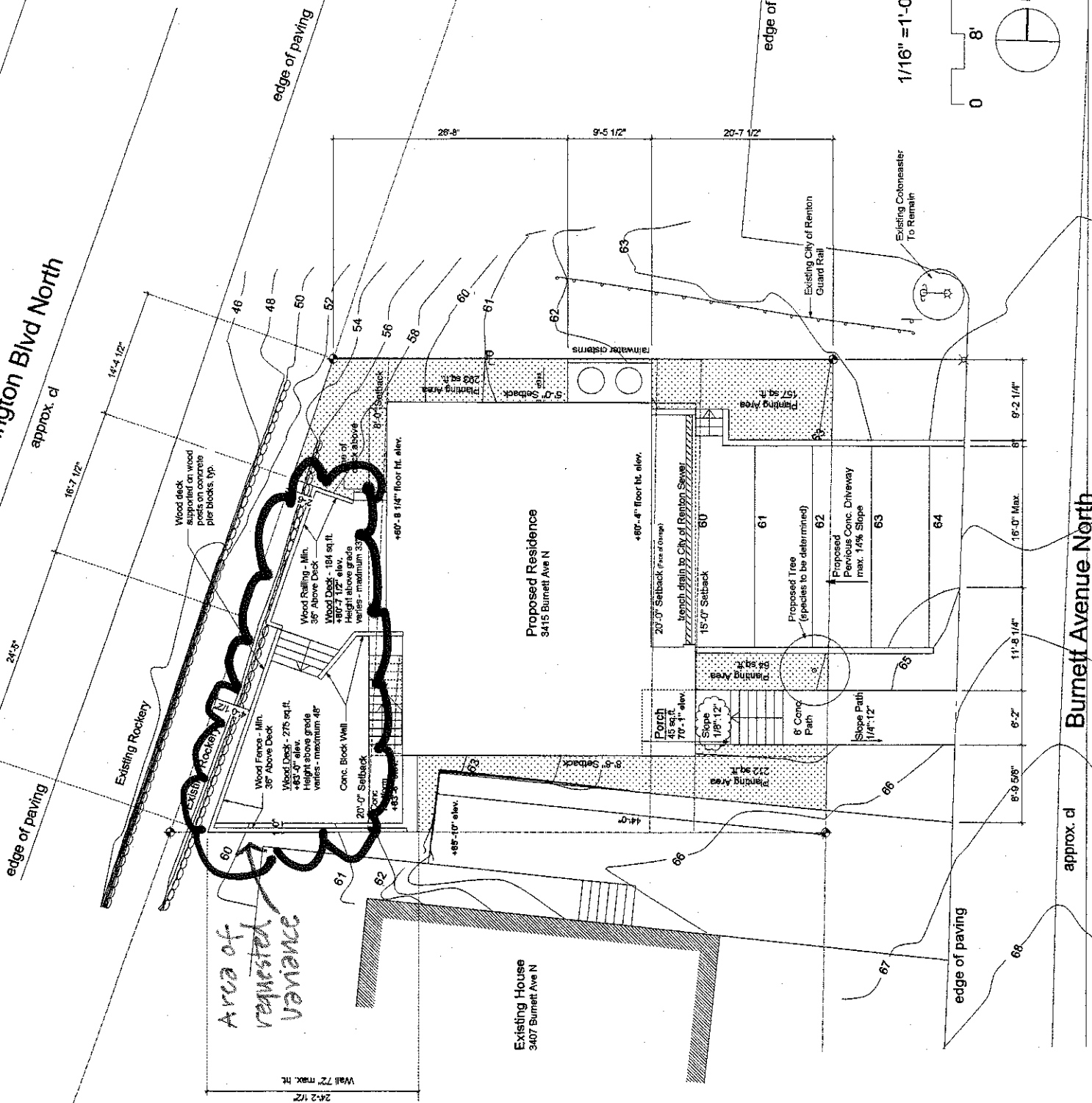
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A1.1



Site Plan

Lake Washington Blvd North
approx. cl



Area of
requested
variance

Burnett Avenue North

approx. cl

Norton Residence

3415 Burnett Avenue North Renton WA 98056

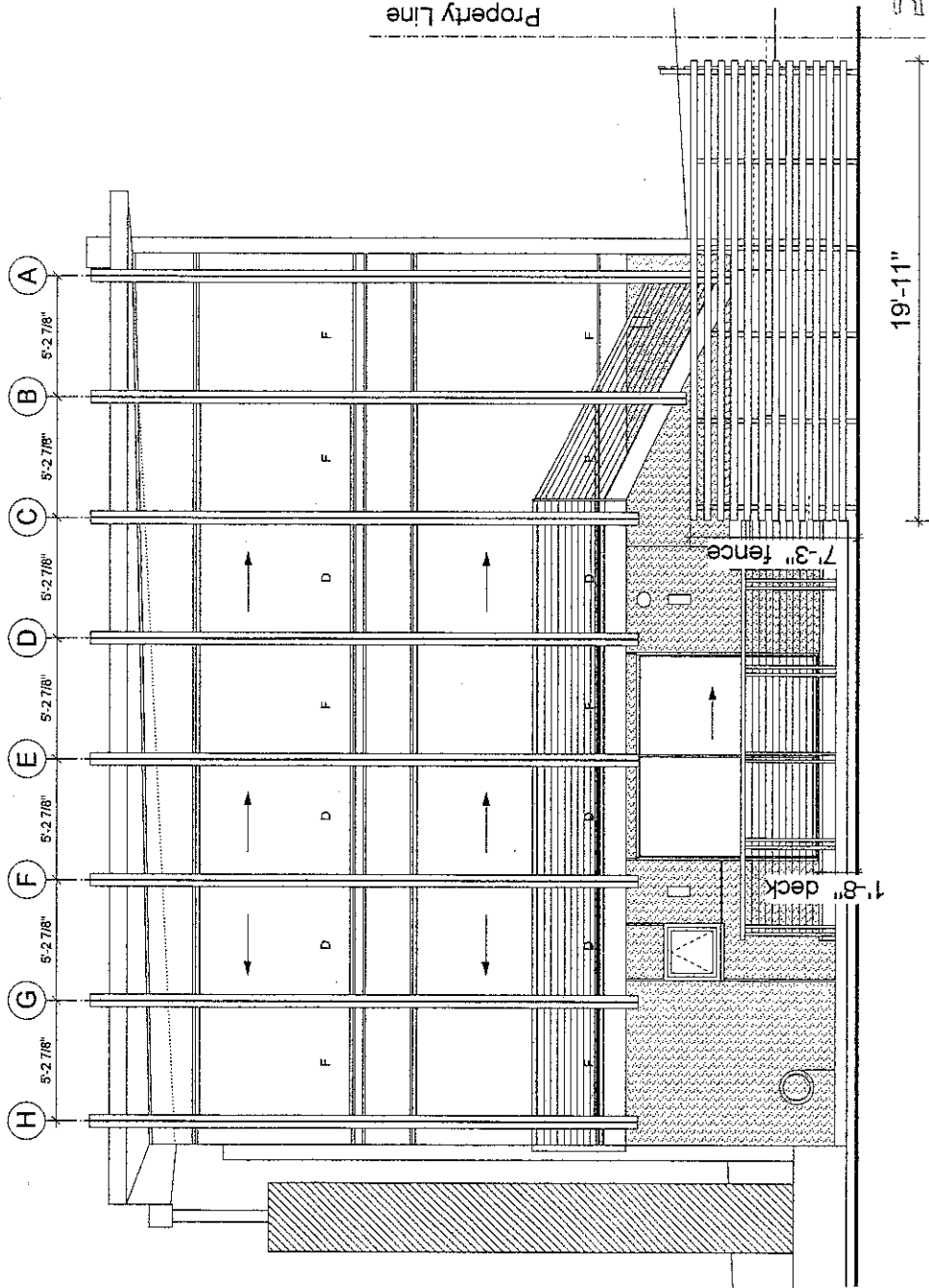
City of Renton
 Planning Division

7. July 2011

A3.1

JUL 26 2011

RECEIVED



West Elevation

Scale: 1/8" = 1'-0"

EXHIBIT 4

Norton Residence

3415 Burnett Avenue North Renton WA 98056

7. July 2011

A0

City of Renton
Planning Division

JUL 26 2011

RECEIVED



Project Rendering

EXHIBIT 5